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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,788	11/30/2001	Naokatsu Ikegami	OKI.286	4551

7590 10/21/2003

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EXAMINER

CHEN, KIN CHAN

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/996,788

Applicant(s)

IKEGAMI, NAOKATSU

Examiner

Kin-Chan Chen

Art Unit

1765

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 112.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: PTO-892


KIN-CHAN CHEN
PRIMARY EXAMINER

Response to the Request-for-Reconsideration-After-Final

Applicant has argued that Tahara does not teach the misalignment between the etching mask and the conductive member, as has been stated in the office action, the etching mask and the desired location of the hole **are never perfectly lined up with each other, it appears that an etched groove is always exist in the etching process and include an offset portion.** Applicant does not respond or comment on same. The examiner also pointed out, in the office action, that Yamada is relied on to show this conventional feature, see Figs.1B, 1C of Yamada. Therefore, it would have been obvious to one with ordinary skill in the art to have said conventional feature of Yamada in Tahara because it is a conventional feature and it is disclosed in Yamada.

The use of conventional features to perform their known functions in a conventional process is obvious. In re Raner 134 USPQ 343.

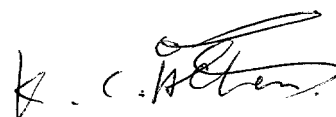
Applicant has argued that Yamada does not teach that the polymeric product formed during etching may be used as an etch stop. As stated in the office action, It is well-known that the etching process of using carbon-containing etchant gas produces polymeric byproducts as a passivating layer, which deposit on the sidewalls and the bottom of the openings, and Pu clearly addresses that could limit the etching, **col. 1, lines 64-col. 2, line 4.** Applicant attacks references using different embodiments in the reference which is not persuasive. **In fact, it is notoriously well-known** in the art of semiconductor device fabrication that the etching process of using carbon-containing etchant gas produces polymeric byproducts as a passivating layer, which deposit on the sidewalls and the bottom of the openings, see also Tehara et al. (US 5,356,,515), col. 5,

Art Unit: 1765

lines 12-15; Williams US (US 6,589,879; abstract), and Collins et al. (US 6,251,792; col. 10, lines 36-37) as evidences.

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In re Merk & Co., Inc., 800F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In light of comments above, the obviousness rejections are maintained.

A handwritten signature in black ink, appearing to read "K. C. H. Chen". The signature is written in a cursive, flowing style with a large, sweeping initial "K".